

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 15, 19-22, 26-28, 50, 60, 64, and 65 are presently active in this case. Claims 1-14, 16-18, 23-25, 29-49, 51-59, and 61-63 are canceled, Claims 15, 22, and 50 are amended, and Claim 65 is added. Support for the amendments can be found at least at page 30, line 10-page 32 and page 43, line 10-page 44, line 25 of the specification. No new matter has been added.

The Final Office Action objects to Claims 15, 22, 50, 58, 59, 62, and 63 because of informalities; rejects Claims 1-15, 17-22, 24-28, 49, 50, 53-56, 59, 60, 63, and 64 under 35 U.S.C. § 103(a) as unpatentable over Yonekubo (U.S. Patent No. 6,470,115) in view of Cromack (U.S. Patent No. 4,726,662); rejects Claims 57 and 61 under 35 U.S.C. § 103(a) as unpatentable over Yonekubo in view of Cromack, and further in view of Stern (U.S. Patent No. 5,771,321); and objects to Claims 58 and 62 as dependent upon a rejected base claim, but indicates that Claims 58 and 62 will be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant and Applicant's representative wish to thank Examiner Dr. Akkapeddi for the interview granted on November 2, 2004. During that interview the outstanding rejections were discussed in detail. Further, during the interview amended claims along the lines presented herewith were discussed and arguments as hereinafter discussed were presented. During the interview Examiner Dr. Akkapeddi indicated that such amended claims appeared to distinguish over the current rejections, and that he would update his search in view of the amended claims when such amended claims are formally presented in a filed response.

In regard to the objection to Claims 58, 59, 62, and 63 because of informalities,

Applicant cancels Claims 58, 59, 62, and 63, rendering the objection to these claims moot. In regard to the objection to Claims 15, 22, and 50 because of informalities, Applicant amends Claims 15, 22, and 50 as the Final Office Action suggests. Accordingly, Applicant respectfully requests withdrawal of the objection.

In regard to the rejection of Claims 1-14, 17, 18, 24, 25, 49, 53-56, 59, and 63, Applicant cancels Claims 1-14, 17, 18, 24, 25, 49, 53-56, 59, and 63, rendering the rejection of these claims moot. Accordingly Applicant respectfully requests that the rejection be withdrawn.

In regard to the rejection of Claims 15, 19-22, 26-28, 50, 60, and 64, Applicant respectfully traverses the rejection for the following reasons.

Claim 15, as amended, recites a display device comprising, a plate-like transparent elastic member which faces the second surface with a gap therebetween and comprises a first end supported by the cantilever and a second end, wherein the display device switches the contact state of the plate-like transparent elastic member with respect to the second surface among at least first, second, and third states according to a grayscale image to be displayed. The first state is a state in which the plate-like transparent elastic member is spaced apart from the second surface, the second state is a state in which the plate-like transparent elastic member is deformed such that a portion of the plate-like transparent elastic member on a side of the second end is in contact with the second surface, and the third state is a state in which the plate-like transparent elastic member is further deformed such that a surface area of the plate-like transparent elastic member which is in contact with the second surface is larger than that in the second state.

As discussed during the interview Yonekubo does not teach or suggest at least the above-mentioned plate-like transparent elastic member feature of Claim 1. In Yonekubo,

[W]hen potentials with different polarities are applied to both transparent electrodes 35 and 31, the electrodes attract each other by electrostatic force, and the groove-side surface (extraction surface) 36 of the transparent electrode 35 is brought near or into contact with the surface 32 (total reflection surface) of the electrode 31 . . .¹

It is known that when a transparent body is brought near the total reflections surface, evanescent waves leak to the transparent body side, and light is transmitted therethrough.²

[G]rayshading can be made by adjusting the application time of the voltage applied to the electrodes 31 and 35 of each of the optical switching elements 1.³

In other words, in Yonekubo, the optical switching element has only two states: the groove-side surface 36 is either in contact with (or close to) the surface 32 or not in contact with (or not close to) the surface 32.⁴ Nowhere does Yonekubo teach or suggest a display device configured to switch the contact state of a plate-like transparent elastic member with respect to the second surface among at least first, second, and third states according to grayscale image to be displayed, the first state being a state in which the plate-like transparent elastic member is spaced apart from the second surface, the second state being a state in which the plate-like transparent elastic member is deformed such that a portion of the plate-like transparent elastic member on a side of the second end is in contact with the second surface, and the third state being a state in which the plate-like transparent elastic member is further deformed such that a surface area of the plate-like transparent elastic member which is in contact with the second surface is larger than that in the second state, as recited in Claim 15, as amended. Specifically, Yonekubo does not teach or suggest the “second state” noted above. Cromack does not cure the deficiencies of Yonekubo in this regard.

Accordingly, Applicant respectfully submits that the rejection of Claim 15 under 35

¹ Col. 6, lines 1-8 of Yonekubo.

² Col. 6, lines 36-38 of Yonekubo.

³ Col. 12, lines 55-58 of Yonekubo.

⁴ E.g., Figs. 1, 4, , 5, 8, and 9 of Yonekubo.

U.S.C. § 103(a) should be withdrawn. Independent Claims 22 and 50, as amended, although of different statutory class or of different scope, include recitations similar to those in Claim 15 discussed above. Claims 19-21, 26-28, 60, and 64 depend on Claims 15, 22, and 50. For at least the reasons given above with respect to Claim 15, Applicant respectfully requests that the rejection of Claims 19-22, 26-28, 50, 60, and 64 under 35 U.S.C. § 103(a) be withdrawn as well.

In regard to the rejection of Claims 57 and 61 under 35 U.S.C. § 103(a) as unpatentable over Yonekubo in view of Cromack, and further in view of Stern, Applicant cancels Claims 57 and 61, rendering the rejection of these claims moot. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

In regard to the objection to Claims 58 and 62 as dependent upon a rejected base claim, Applicant cancels Claims 58 and 62, rendering the objection to these claims moot. Accordingly, Applicant respectfully requests that the objection be withdrawn.

New independent Claim 65 recites substantially similar limitations to those discussed above with respect to Claim 15. Accordingly, Applicant respectfully submits that new Claim 65 is likewise allowable.

In view of the foregoing remarks, Applicant respectfully submits that each and every one of Claims 15, 19-22, 26-28, 50, 60, 64, and 65 defines patentable subject matter, and that the application is in condition for allowance. Applicant respectfully requests reconsideration and reexamination of this application and timely allowance of the pending claims.

Respectfully submitted,

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